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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,476	01/15/2002	Lixiao Wang	1001.1445101	6164
28075	7590	01/25/2005	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			MAIORINO, ROZ	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,476

Applicant(s)

WANG ET AL.

Examiner

Roz Maiorino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 27-32, 18-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/4/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of election in the reply filed on 11/04/2004 is acknowledged. The traversal is on the ground(s) that lack of generic claim matter. This is found persuasive and claim 1 and 16 will be considered generic.

Claims 18-19, 27-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/04/2004.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8 , 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US PUB NO. 2004/0079429 to Miller et al.

Miller teaches a medial device with a metallic and polymeric tube where at least a portion of the metallic tubular member forms a lap joint, and a coupling agent disposed between metallic and polymeric tube.

3. Claims 1-8, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US PUB NO. 2004/0199109 to Wantink.

Wantink teaches a medial device with a metallic and polymeric tube where at least a portion of the metallic tubular member forms a lap joint, and a coupling agent disposed between metallic and polymeric tube.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 9-12, 17, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PUB NO. 2004/0199109 to Wantink or US PUB NO. 2004/0079429 to Miller et al as applied to claims 1, 16 above, and further in view of US Patent PUB no. 2003/016547 to Kaneko et al.

As mentioned above Wantink and Miller both teach the invention except for having a couple agent that is titanate. However titanate is very commonly used in the art as an adhesive agent as demonstrated by Kaneko.

Kaneko teaches a medical tube which uses titanate as an adhesive agent.(paragraph 0122)

Therefore it would have been obvious to one having ordinary skill in the art to have used titanate as an adhesive agent for the coupling of tubes in catheter system, because its very well know in the art that titanate is used for an adhesive agent.

5. Claims 13, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PUB NO. 2004/0199109 to Wantink or US PUB NO. 2004/0079429 to Miller et al. as applied to claims 1, 16 above, and further in view of US Patent PUB no. 2004/0139820 to Kodas et al.

As mentioned above Wantink and Miller both teach the invention except for having a couple agent that is aluminate. However aluminate is very commonly used in the art as an adhesive agent as demonstrated by Kodas

Kodas teaches a medical tube which uses aluminate as an adhesive agent.(paragraph 0258)

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Therefore it would have been obvious to one having ordinary skill in the art to have used aluminate as an adhesive agent for the coupling of tubes in catheter system, because its very well know in the art that aluminate is used for an adhesive agent.

6. Claims 14, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PUB NO. 2004/0199109 to Wantink or US PUB NO. 2004/0079429 to Miller et al. as applied to claims 1, 16 above, and further in view of US Patent no. 6730064 to Ragheb et al.

As mentioned above Wantink and Miller both teach the invention except for having a couple agent that is Silane. However aluminate is very commonly used in the art as an adhesive agent as demonstrated by Ragheb.

Ragheb teaches a medical tube which uses Silane as an adhesive agent. (Col.3, lines 30-45)

Therefore it would have been obvious to one having ordinary skill in the art to have used silane as an adhesive agent for the coupling of tubes in catheter system, because its very well know in the art that aluminate is used for an adhesive agent.

7. Claims 9-15, 17, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PUB NO. 2004/0199109 to Wantink or US PUB NO. 2004/0079429 to Miller et al. as applied to claims 1, 16 above, and further in view of US Patent no. 5190795 to Culler

As mentioned above Wantink and Miller both teach the invention except for having a couple agent that is Silane, aluminate, titanate, or zirconate. However Silane,

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aluminate, titanate, or zirconate are very commonly used in the art as an adhesive agent for the adhesion of metal tubes as demonstrated by Culler.

Therefore it would have been obvious to one having ordinary skill in the art to have used Silane, aluminate, titanate, or zirconate as adhesive agent for the coupling of tubes in catheter system, because its very well know in the art that aluminate is used for an adhesive agent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Maiorino whose telephone number is 571- 272-4960. The examiner can normally be reached on 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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